

Local & Munl. (1897) Department.

MISCELLANEOUS.

G.O., No. 1633 M

DATED

6-11-99

[Despatch Abstract.]

acquisition of land for the catchment area of the Marlimund Reservoir. Approving, with remark, the suggestion of the Coler of the Nilgiris that no reduction need be made in the compensation payable to Mr. Akil. Landayya in connection with the ——— and request- ing the Accountant General to state who then the sum of one lakh of Rupees can be paid to Mr. Akilansayya in Bombay without charge for exchange.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

LOCAL AND MUNICIPAL DEPARTMENT.

C. No. 2800 in 28034

SUBJECT.

Acquisition of the Catchment area
of the Harlinund Reservoir

Rise ORDER. No. 1633 Muni 6/11/99

The Collector's Suggestion that
no reduction need be made in the
Compensation payable to Mr. Akilantayya
on account of his defective title to
Survey No. C/137 is approved. The Col-
lector is however requested to obtain
from Mr. Akilantayya a guarantee
against Cost in Case the Todas bring
a Suit.

2. The Accountant General
is requested to state whether the sum
of one lakh payable to Mr. Akilantayya
can be paid to him in Bombay
without charge for exchange.

(From order)

To The Collector of the Nilgiris
" Accountant General
Dated 7/11/99

1.2
4/11/99

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A.

Cal & Munl. (1899) Department.

CURRENT No. 2800 m



AM

Oct 2800 and 2803.../99

From

The Collector of
The Nilgiris.

B & No. 630-99

Dated 23 Oct 99

Received } 26th Oct. 99
Registered }

Enclosures nil

Spare copies

SUBJECT.

Land Acquisition

Catchment area of the

Marlinand Reservoir

Bringing to notice that the

Loda land is included in

the — & soliciting orders

as to its disposal

26/10

For Orders

As to whether the suggestion made by the Collector in the last part of para 8 of his ^{first} letter may be approved, and whether the Government is prepared to meet the wishes of Mr. Akilandayya mortgagee that the sum of one lakh should be paid to him in Bombay. If the Govt decides upon complying with this request, the Accountant General may be asked to pay the amount to Mr. Akilandayya or his mortgagee in Bombay and debit it to the ^{in his account as a contribution} to the Cochin Municipal Council ~~as a contribution~~ from Govt. The Accountant General may be able to arrange about this with the Accountant General Bombay. Otherwise, the Accountant General may be asked to pay the grant of one lakh.

BACK PAPERS.

G.O.	No.	Department.	Date.
	1490	Amis	9-10-99
	1319	Amis	11-9-99
	1220	Amis	24-8-99
	1001	Amis	16-7-99
	905	Amis	28-6-99

FURTHER PAPERS.

G.O.	No.	Department.	Date.

All placed at the disposal of this Department in G.O. No 880, Final, dated 4th August 99 disposed of in G.O. No 1220-A. M. 4 24th August 1899, to the Ootacamund Municipal Council either at Ootacamund or at Madras, which will in its turn distribute it to Mr. Akilandayya.

1/2
25/10/99

Mr. Louis a Com. is prepared apparently to give a bond against the Toda & in that decision, Govt. can of course act in future. It would perhaps be as well to name for Mr. Akilandayya a guarantee against loss in case the Toda being a first - Mr. Louis may be held this. The Act General can be taken the best way of paying of new to money, so as to meet Mr. Akilandayya's convenience as far as is possible.

1/2
30/10/99

The A.G. can be asked whether the amount of our lakh can be paid to Mr. A. in Bombay without charge for exchange. If not it must be paid here
MA 31.10.99.

THE NILGIRI COLLECTOR'S OFFICE,

OOTACAMUND.

Dated 23rd October 1899

REF. ON B. G. No. 630 of 1899

FROM

C. J. Lewis Esquire J. Esq.

MUNICIPAL DEPT.

COLLECTOR OF

the Nilgiris,

TO

THE SECRETARY TO THE COMMISSIONER OF

Government Local and Municipal Department.

Madras.

SIR,

Enclosures.

I have the honor to acknowledge the order of Government on the following matter in connection with the acquisition of the Catchment area of the Marlborough Reservoir.

2. On the day fixed for enquiring into claims to the land to be acquired, a Toda named Erviavenu appeared & claimed that some of the land belonged to his mind (Keguri mind). He did not define the extent of his claims exactly, but he gave a description of the land which corresponded with that of Survey No. C 137.

of

all the Potacarrim d which measures
2.42 acres in extent & is entered
in the Revenue Register as Toda
Grazing Land.

3. When the schedule
of Land to be acquired was
first prepared for publication,
I had noticed that this Survey
number was entered in Settlement
Register as Toda Grazing
ground and I spoke to Mr.
Akilandiah about the matter.
Mr. Akilandiah answered me
that his title deeds covered
this land & that it had always
been part of the Indor Hall estate.

4. Mr. Akilandiah's
title deeds have been now pro-
duced before me by a mortgagee
from Bombay who lays claim
to the Compensation money,
and it is found on examining
them that one Bellavan
a Toda & apparently a grand
uncle of the Toda who has

has appeared before me sold
the land which is now Survey
No. $\frac{C}{137}$ in 1867 to a Mr. William
Taylor. In 1881, the latter sold
the land to Mr. A. Friend.

In 1884, at a Court Sale
in execution of a decree against
Mr. Friend, the land was bought
by Messrs. Ghool Mahomedof;
and in 1887, Ghool Mahomedof
& the representatives of Mr. Friend
conveyed the land to Mr. C. Sabapathy
from whom the title deeds
passed with the rest of the
Indor Hall estate to Mr. Aki-
landiah.

5. Mr. Akilandiah states
that ever since he has known
the property viz 1887, Survey
No. $\frac{C}{137}$ has always been regarded
as an integral part of the
estate. Blue gums growing
thereon have been felled and
appropriated and feet has
been cut and cattle grazed
on the marshy portions.

The District Joree officer,
Mr. Douglas, who is in direct
charge of Tada puttah lands
in admits that up to now, he
Grady thought that Survey
No. $\frac{C}{137}$ was part of Tada puttah
of estate & that his Subordinates
I have not treated it as ~~an~~
Tada puttah land.

6. The Tada Ewianem
himself states that it was
in his father's & grandfather's
time that they used to
graze their cattle in the
land in question and that
since he ^{was} a little boy
they have not gone to the land.
He is now about 45 years old.

7. It appears, therefore,
clear that the Tada rights
which are merely grazing
rights & are lost after 12 years
of adverse possession, over $\frac{C}{137}$ have
lapsed, independently of the

sale
has

sale of the land by one of them
in 1867. I am prepared to
decide accordingly and dismiss
the claim.

Mr. Skilandich's title to
 $\frac{C}{137}$ as against Government, however,
does not seem to me to be
free from defect.

That title is derived
from Behavan a Tada. vide
para 4 above. Now Behavan
could sell no more than he
possessed himself himself
viz a grazing right and as
60 years are required to esta-
blish a prescriptive right
as against Government & the
Sale was in 1867, it seems to me
that Government might if
it stood on its strict rights
60 ^{rescue} ~~rescue~~ this land.

8. I do not however
think that this would be
equitable. Mr. Skilandich
and his predecessors in title
have purchased the land for

for money, with, I believe,
a bonafide belief in the validity
of the purchase & they
have been left in undis-
turbed possession & enjoyment
of the land & I believe, had
no reason to doubt the complete-
ness of the title.

Mr. Shilandiah admits
he does not know if he has
been paying the assessment
for this piece of land. The
amount is only 4 annas
& 10 pice & in the Revenue
Registers, the present Joda
Hall estate stands in 5 or 6
different names.

Government have
already in G. O. No. 1450 dated 9-10-99
decided to make no reduction
in the purchase money
of the Joda Hall estate
on account of the deficiency
in area found on an accurate
survey.

has

I would under the circumstances
now suggest that no reduction
need be made in this case
on account of the defective
title of Mr. Shilandiah & Mr.
No. 137. I think, however, govern-
ment might properly, before
doing so, make it a condition
that if the Jodas dispute
the decision I intend to give
in their case & carry the
matter to the Civil Court and
recover any money, Mr. Shi-
landiah should indemnify
Government & the Municipality.
Mr. Shilandiah says he is
quite ready to bind himself
to do so.

9. In connection with
this subject, I would ask
for instructions as to how
the 1 lakh of Rupees payable
from Provincial Funds is
to be placed at my disposal
for paying the award.

Mr. Shiladiah or rather
his mortgage to whom
Mr. Shiladiah has agreed
that the money shall be
paid wishes the money
to be actually paid over
to him in Bombay. It
would probably not be
convenient to Government
that the money should be
paid in Oolacarnam.

I have the honour
to ask for early orders on
this reference

I have the honour to be,

Sir,

Yours most Obedient Servant

Collector

27/10

Local & Munl. (189 9) Department.

CURRENT No. 2803m

From

The collector of
The Nilgiris.

Order

B & No. 630 — 99

Dated 24th Octobrs 99

Received } 26th —
Registered }

Enclosures nil

Spare copies ..

SUBJECT.

Land Acquisition
catchment area of the
headimond Reservoir

Reporting that the assessment
due on S to $\frac{c}{137}$ was adjusted
from the "Ludu" money due
to the Lodas of Pameerimund.

BACK PAPERS.

G.O.	No.	Department.	Date.

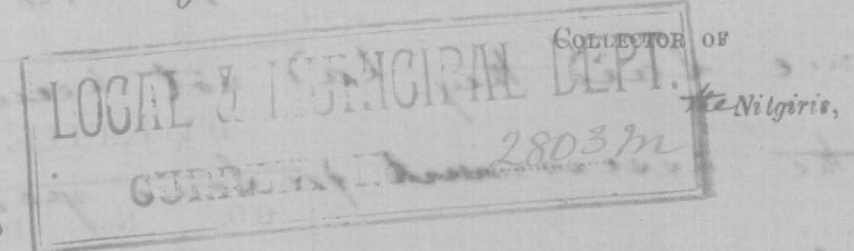
FURTHER PAPERS.

G.O.	No.	Department.	Date.

NILGIRI COLLECTOR'S OFFICE,
OOTACAMUND, 24 October 1899.

REF. ON B G No. 630-99

FROM C. J. Weir Esq. J. L. S.



TO THE SECRETARY TO GOVERNMENT,
Local & Municipal DEPARTMENT,
Madras.

SIR,

ENCLOSURES.

Cro 28000

In continuation of my letter No. B.G. 630 of yesterday's date, I have the honour to report that on examining the Revenue Accounts in the office of the Deputy Tahsildar of Ootacamund, I find that assessment due on S. No. $\frac{C}{137}$ has up to date been paid by the Todas of Penneshimund in this way:- a sum of Rs 150 as "kudu" or compensation money is yearly payable to these Todas by Government and the assessment

assessment due on 8 to $\frac{c}{137}$ viz.
 amount 4- pice 10. Has been yearly deducted
 from this Gudw money. The Lodas
 are apparently not themselves aware
 of this as the man who appeared
 before me said they had not been
 paying the assessment for some years
 past. In any case this payment
 of assessment by adjustment does not
 seem to me to affect the legal aspect
 of the question or to prevent the Lodas
 having lost their rights in the land.
 The Lodas are however I consider fairly
 entitled to a refund of the amount
 that has thus been adjusted from their
 "Gudw" money. While Mr. Skilandt
 should pay full assessment on the
 island from the date he acquired
 it. This is however a separate
 question.

I have the honour to be
 Sir

Your obedient servant
 Forth

When given for copying _____
 When copied _____
 When examined _____
 When signed 7/4 } 189

READ AGAIN G.O., No. _____, DATED _____
 189 .

CURRENT NO.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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 IN ORIGINAL.

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